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**FACSIMILE TRANSMISSION****DATE: September 8, 2005**

**TO:** EXAMINER: Klaus, Lisa Nhung  
GROUP: Art Unit 2832  
U.S. Patent and Trademark Office  
Fax. No.: 703-872-9306

**FROM:** Maria Goldman  
Assistant to Adrian T. Calderone

**NO. OF PAGES TO FOLLOW: 5**

**MESSAGE:**

Re: Burgess et al. U.S. Patent Appln. SN 10/760,655  
Our Ref.: 300-27 DIV III

Petition to Withdraw Holding of Abandonment attached.

IN CASE OF INCOMPLETE OR INADEQUATE TRANSMISSION, PLEASE CALL Maria at: (516) 228-8484.

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SEP 08 2005

PATENT

Atty. Docket No. 300-27 DIV III

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Burgess et al.      GROUP: Art Unit 2832  
SERIAL NO.: 10/760,655      EXAMINER: Klaus, Lisa Nhung  
FILED: January 17, 2004      Date: September 8, 2005  
FOR: PRESSURE ACTUATED SWITCHING DEVICE  
AND METHOD AND SYSTEM FOR MAKING SAME

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313

PETITION UNDER 37 C.F.R. §1.181  
TO WITHDRAW HOLDING OF ABANDONMENT

Sirs:

A Notice of Abandonment dated April 14, 2005 (copy attached) was issued in this application for failure of applicant to timely pay the required issue and publication fees. This Petition is based upon the failure of applicant to receive the original Notice of Allowance and Fee(s) Due.

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office (Fax.No.: 703-872-9306) on the date shown below.

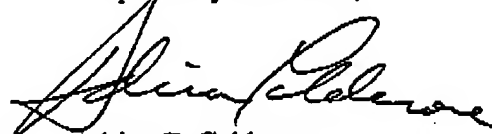
Dated: September 8, 2005

  
Maria Goldman

A search of the file jacket by the undersigned indicates that an Amendment in response to the Office Action of June 30, 2004 was mailed to the U.S. Patent and Trademark Office on August 27, 2004. After that, a Supplemental Notice of Allowability dated March 11, 2005 with an Examiner's amendment and indication of allowable subject matter was received in this office on March 15, 2005. After that, the next paper received from the U.S. Patent and Trademark Office was the Notice of Abandonment. Our records give no indication that the original Notice of Allowance and Fee(s) Due was ever received. In support of this a copy of the docket record is attached hereto. The last entry of the docket record relates to the two month due date for filing the Amendment discussed above. There is no indication any due date for payment of the issue/publication fees.

In view of the above, it is respectfully requested that the holding of Abandonment be withdrawn and that the Notice of Allowance and Fee(s) Due be remailed.

Respectfully submitted,



Adrian T. Calderone  
Registration No. 31,746  
Attorney for Applicant(s)

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ATC:mg

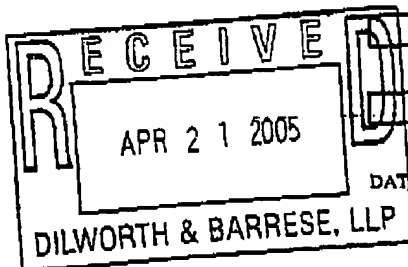


## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1430  
Alexandria, Virginia 22313-1430  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,655	01/17/2004	Lester E. Burgess	300-27 DIV III	1017

28249 7590 04/14/2005  
DILWORTH & BARRESE, LLP  
333 EARLE OVINGTON BLVD.  
UNIONDALE, NY 11553



EXAMINER
KLAUS, LISA NHUNG
ART UNIT
PAPER NUMBER

2832

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark OfficeAddress: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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0760655

EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED:

## NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
- ☐ A reply (with Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_ which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on \_\_\_\_\_, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.
- ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85)(or Notice of Publication Fee Due).
- ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required, by 37 CFR 1.18(d) is \$ \_\_\_\_\_.
- ☒ The issue fee and publication fee, if applicable, have not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
- ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.

# BEST AVAILABLE COPY

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DILWORTH BARRESE

#7048 P.006/006

Client#		Inventor#		Application Title		PRESSURE ACTUATED SWITCHING DEVICE AND METHOD AND SYSTEM FOR MAKING SAME	
300	27	DIV III					
Client Reference #		Serial#		Filing Date		Attorney	
		10780655		1/17/2004		ATC	
				Date Opened		1/15/2004	
Client		Mr. Lester E. Burgess		Patent # Registration			
Comment				Leave Ref			
IDS DUE		4/17/2004		ATC		4/13/2004	
2 MO. OA		8/30/2004		ATC		8/30/2004	